

1 S.51

2 Introduced by Senators Brock, Benning, McCormack, Parent, Pollina,

3 Rodgers, Starr, and Westman

4 Referred to Committee on

5 Date:

6 Subject: Education; school district mergers; State Board of Education order to

7 merge; moratorium

8 Statement of purpose of bill as introduced: This bill proposes to place a

9 moratorium on school district mergers ordered by the State Board of Education

10 until legal issues are adjudicated.

11 An act relating to placing a moratorium on school district mergers ordered
12 by the State Board of Education

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. LITIGATION

15 On December 13, 2018, the Elmore-Morristown Unified Union School
16 District et al. filed a civil action against the Vermont State Board of Education,
17 and on December 20, 2018, the Athens School District et al. filed a civil action
18 against the Vermont State Board of Education et al., in Vermont Superior
19 Court, challenging the State Board of Education's order to merge school

1 districts under 2015 Acts and Resolves No. 46, as amended. These lawsuits
2 are referred to in this act as the “pending litigation.”

3 Sec. 2. MORATORIUM ON SCHOOL DISTRICT MERGERS ORDERED
4 BY STATE BOARD OF EDUCATION

5 (a) Notwithstanding any provision to the contrary of 2010 Acts and
6 Resolves No. 153, 2012 Acts and Resolves No. 156, and 2015 Acts and
7 Resolves No. 46, each as amended, a moratorium is placed on all school
8 district mergers ordered by of the State Board of Education under 2015 Acts
9 and Resolves No. 46, Sec. 10, as amended, until the later of:

10 (1) July 1, 2020;

11 (2) the next July 1 after the judiciary has rendered final judgment that is
12 not appealed on all pending litigation; or

13 (3) the date that is six months after the judiciary has rendered final
14 judgment that is not appealed on all pending litigation.

15 (b) If the judiciary has rendered final judgment on all pending litigation
16 that is not appealed holding that the State Board’s order has legal effect, then
17 the mergers ordered by the State Board that have not been invalidated by the
18 judiciary shall take effect, and for newly formed districts shall become
19 operational, on the date the moratorium ends under subsection (a) of this
20 section, and the default Articles of Agreement included with the State Board’s
21 order to merge shall be deemed amended to accommodate this time frame.

- 1 Sec. 3. EFFECTIVE DATE
- 2 This act shall take effect on passage.